

Minutes
Bar Harbor Planning Board
October 1, 2008
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:06 p.m.

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden
Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney

II. EXCUSED ABSENCES

There were no excused absences.

III. ADOPTION OF THE AGENDA

Mr. Cochary moved to approve the agenda. Mr. Bowden seconded and the board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Mr. Bowden moved to approve the minutes from September 3. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-06 – Owl’s Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl’s Nest, LLC

Application: Proposes a 10 lot residential subdivision

Mr. Musson, representing the applicant, reviewed the project updates with the Board and distributed an updated site plan and map showing the well location on lot #1.

Mr. Musson asked if he could work with Oak Engineers to try and resolve the stormwater issue instead of going through the issues with the Board. The Board agreed. Mr. Musson hopes to have the issue resolved for the next meeting on October 15.

Mr. Cochary asked the applicant to clarify what the applicant wanted to accomplish. Mr. Musson noted the modification of standard issue and expressed his hope that the Board would consider the issue tonight.

Mr. Cochary asked about the overhead vs. underground utilities. Mr. Ross, speaking for the applicant, noted that the Board previously waived the underground utilities requirement in other subdivision approvals. Mr. Ross encouraged the Board not to require underground utilities for this project because the first phase of the subdivision

has overhead utilities and the Board previously decided that this current subdivision is part of the past one.

Ms. Stevens-Rosa noted that she believes the ordinance is straight forward in requiring underground utilities unless there are special circumstances. Mr. Cochary concurred. Mr. Bowden mentioned the ROW to a developable lot in back of the proposed subdivision and noted that if the Board allowed overhead utilities to continue it is likely future development would want overhead utilities.

Mr. Cochary referred to a letter from Mr. Bechtel, an abutter to the project, and asked him to talk about the dirt road leading out to Route 3 that he included in the letter. Mr. Bechtel noted a paper street from the applicant's property to route 3 and wondered why this could not be used or upgraded as a second egress.

Mr. Ross asked the Board what standard a road must be built to so it is considered a second egress. Ms. Krieg noted that the LUO defines "street" and there are street construction standards.

The Board began discussing the two street connection modification of standard requested by the applicant. Mr. Krieg noted that staff is encouraging the Board to take a look at the modification of standard because the applicant is providing a ROW to an adjacent developable lot and it is likely the two street connection standard will be met in the future when the lot is developed.

Mr. Cochary commented that the LUO is clear in requiring two egress of subdivisions of 15 or more lots even if he does not agree with it all the time.

The Board and Ms. Krieg talked about future development of abutting properties and how that development would likely provide two ways in and out.

Ms. Krieg clarified that a modification of standard is site specific and does not set precedent for future modifications.

Mr. Bowden noted that if the adjacent developable parcel is built on there are more ways than one to provide for a second egress. He noted the Crooked Road as one example.

Mr. Cochary felt more comfortable granting the modification of standard knowing that a second egress will be provided for eventually. Ms. Williams and Ms. Stevens-Rosa concurred.

Mr. Bragg said it is reasonable for the Board to interpret the standard requiring two street connections as requiring that the streets be built to the construction standards in the LUO. He noted that the Board has flexibility when granting a modification of standard. Mr. Bragg also encouraged the Board to support its modification of standard ruling with specific language.

Dana Reed, an abutter, asked about the .02 acres and how that affects the project. Mr. Ross noted that the small parcel will be conveyed to the abutting land owner and that will happen as a condition of approval if the Board so chooses.

Jeff Zaman, an abutter, voiced his concern about the number of lots in the proposed subdivision and his concern about the safety of the road as a result of the likely increase in traffic in the development.

Bob Bechtold voiced his concern about the number of lots and also mentioned he feels the Board has addressed his concern for the modification of standard.

Mr. Cochary moved to continue the application to the October 15 meeting. Ms. Williams seconded and the board voted unanimously on the motion.

B. Public Hearing – SD-07-09 – Woodworth Subdivision

Project Location: 222 Kittredge Brook Tax Map 236, Lot 9

Applicant: Caroline and Nell Woodworth

Application: Proposes a 3 lot residential subdivision

Sam Coplon, representing the applicant, updated the Board on the project. He mentioned the width of the road and the applicant's plans for the parcels.

Ms. Stevens-Rosa asked Mr. Coplon to explain the fire road leading to Pine Heath as a second means of egress. Mr. Coplon described the history of the subdivision and how the road was originally constructed.

Mr. Cochary expressed concern about the condition of the road and emergency vehicle access.

Mr. Bowden clarified the portion of the road that would be affected by the subdivision.

Mr. Cochary noted that the road will only be 12 feet wide and wondered if that is adequate for emergency vehicles. Mr. Coplon mentioned that some of these roads were constructed years ago and noted that the Fire Chief visited the site and is OK with the current width of the road.

The Board continued to discuss the road system within the subdivision. Mr. Bowden asked if there is a road agreement for the first portion of Kitteridge Brook Road and Mr. Coplon speculated that there is.

The Board and the applicant talked about the cul-de-sac turn around and how emergency vehicles would use it and how other cars would use it. The Board continued to discuss up grading the road.

Mr. Cochary continued to express his discomfort with the 12 foot width of the proposed road. He asked the applicant to try and make the road 14' feet.

Mr. Coplon asked if the Board could condition the approval on widening the road to 14 feet.

Mr. Bowden asked about the two egress issue and Mr. Cochary agreed that the fire road will serve as the second egress because the ordinance does not say where that egress has to be in the subdivision.

Mr. Bowden expressed that he is looking for consistency with dealing with subdivision applications. Mr. Cochary concurred.

Mr. Cochary moved to close the public hearing. Ms. Williams seconded and the Board voted unanimously to approve the motion.

The Board entered into deliberations.

Mr. Cochary moved to grant the modification of standard to allow the road to be less than the required width; down to a road width of 14' feet and requiring the 12 foot vertical clearance as request by the fire chief. The modification of standard is based on the existing conditions of the lot and the existing road conditions and its limited to only the three lots in the subdivision. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Mr. Bowden inquired about whether the lots can be subdivided in the future. Mr. Coplon noted that it is his client's intention not to further subdivide the property and encouraged the Board to make that a condition of approval.

Mr. Cochary moved to approve the project with the condition that language be included on the final plat stipulating that there is no future subdivision allowed for these lots. Mr. Ross asked if book and page numbers could be used for reference to other lots on the final plat. The Board briefly discussed the request and Mr. Bragg noted he did not have a problem with it. Mr. Coplon asked if there is a timeframe for implementing the road improvements. Ms. Krieg said it is 6 months and they can come back for an extension if they need to. Mr. Bowden seconded and the Board voted unanimously to approve motion.

VI. OTHER BUSINESS

A. Budget Requests

Ms. Krieg explained the budget request process to the Board.

The Board discussed possible budget requests. Mr. Bowden noted that he could use a set of tax maps to help with subdivision review. Other Board members concurred. Mr. Cochary asked about updating the affordable housing report and the data the town has to plan for affordable housing. The Board talked about funding water data projects.

B. Ledgewood Subdivision Endorsement

Ms. Krieg explained that the applicant for the Ledgewood Subdivision needed the Board to re-endorse the project because he did not record the plat with the registry of deeds within the 90 days required by the ordinance. The Board re-endorsed the project.

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA –

Mr. Bowden thanked staff for their help. Other Board members concurred.

IX. ADJOURNMENT – 8:22

Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously on the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date